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Attorney Docket # 5422-2

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Yi-Chao LEE et al.

Serial No.: 10/801,292

Filed: March 15, 2004

For: Methods for Identification, Assessment, Prevention, and Therapy of Cancer

Examiner: Laura B.Goddard
Group Art: 1642

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Name of applicant, assignee or Registered Representative

Kent H Cheng
Signature

February 13, 2006
Date of Signature

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RESPONSE TO REQUIREMENT FOR ELECTION OF SPECIES/RESTRICTION

SIR:

In response to the Requirement for Restriction Election of Inventions dated January 11, 2006, applicants submits as follows:

Claims 1-20 are pending in the present patent application. The Examiner has entered a eleven-way restriction requirement. Applicants elect Group I, claims 2-7, drawn to a method of assessing whether a patient is afflicted with carcinoma comprising determining the amount of marker having a nucleotide sequence from Table 1: SEQ ID No.: 1, 3, 5 or 7, with a nucleotide or polynucleotide that is complementary to the marker; by polymerase chain reaction; by quantitative real-time reverse transcription-polymerase chain reaction; or by use of a microarray.

Applicants further elect the marker having SEQ ID NO. 1, related to the insulin receptor tyrosine kinase substrate.

It is gratefully acknowledged that the restriction requirement separating Groups I to VIII from each other would be withdrawn upon the allowance of claim 1.

It is respectfully submitted that claim 1, which links Groups I to VIII, is patentable as the prior art does not suggests or teaches a method of assessing whether a patient is afflicted with carcinoma, wherein the method comprises a) determining the amount of a marker in a patient sample, wherein the marker is selected from Table 1 [SEQ ID No.: 1, 3, 5 or 7]; b) determining the normal amount of the marker in a control non-cancerous sample; and c) comparing the amounts of the marker between the patient sample and the control non cancerous sample, wherein a significant increase in the amount of the marker in the patient sample from the normal level is an indication that the patient is afflicted with carcinoma.

Applicants reserves the right to pursue the non-elected claims in a divisional application prior to issuance of a patent on the instant application.

Any additional fees or charges required at this time in connection with the application may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
COHEN, PONTANI, LIEBERMAN & PAVANE

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Dated: February 13, 2006